

Judge Hellerstein

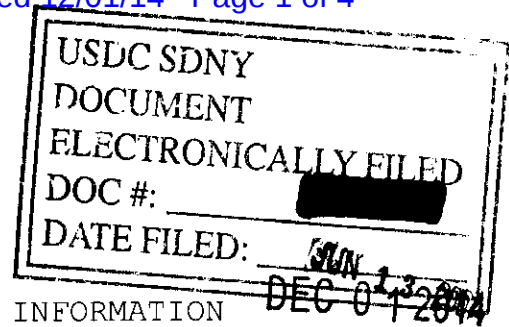
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MARIA NIEVES,

Defendant.



07 CRIM. 556

COUNT ONE

The United States Attorney charges:

1. From in or about April 2005 up to and including in or about August 2006, in the Southern District of New York and elsewhere, MARIA NIEVES, the defendant, and others known and unknown, unlawfully, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1029(a)(2) and 1029(a)(3).

2. It was a part and an object of the conspiracy that MARIA NIEVES, the defendant, and others known and unknown, unlawfully, willfully and knowingly, and with intent to defraud, would and did traffic in and use one or more unauthorized access devices during a one year period, and by such conduct, would and did obtain things of value aggregating \$1,000 or more during that period, in violation of Title 18, United States Code, Section 1029(a)(2).

3. It was a further part and an object of the

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conspiracy that MARIA NIEVES, the defendant, and others known and unknown, unlawfully, willfully and knowingly, and with intent to defraud, would and did possess fifteen or more unauthorized access devices, in violation of Title 18, United States Code, Section 1029(a)(3).

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about the Spring of 2005, NIEVES obtained information she did not have authority to obtain, including names, dates of birth and social security numbers, from several consumer credit applications submitted to a Home Depot store where she was employed in Manhattan, with the assistance of a co-conspirator not named herein.

b. In or about early 2006, NIEVES obtained information she did not have authority to obtain, including names, dates of birth and social security numbers, relating to several patients of a medical practice in Manhattan where she was employed.

c. Throughout the one year period from in or about August of 2005 through in or about August of 2006, NIEVES and a co-conspirator not named herein used the credit cards they obtained with customer and patient information to purchase

electronics, entertainment, clothing and food, the aggregate value of which totaled \$1,000 or more.

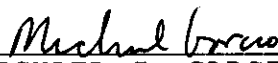
(Title 18, United States Code, Section 1029(b)(2).)

COUNT TWO

The United States Attorney further charges:

5. In or about Early 2006, in the Southern District of New York and elsewhere, MARIA NIEVES, the defendant, unlawfully, willfully and knowingly, did obtain individually identifiable health information relating to individuals, and did disclose that individually identifiable health information to another person, with the intent to sell, transfer, and use that individually identifiable health information for commercial advantage, personal gain, and malicious harm, to wit, NIEVES obtained individually identifiable health information about several individuals by accessing a web site to which she had access as a result of her employment with a health care provider, shared that information with another person, and thereafter used and permitted another to use that individually identifiable health information to apply for credit cards for her own use and the use of others.

(Title 42, United States Code, Sections 1320d-6(a)(2),
(a)(3) and (b)(3).)


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MARIA NIEVES,

Defendant.

INFORMATION

07 Cr.

(18 U.S.C. § 1029(b)(2); 42 U.S.C. §§
1320d-6(a)(2), (2)(3) and (b)(3))

MICHAEL J. GARCIA
United States Attorney.

6/13/07. Waiver & information filed.
Arraignment held. Deft pres w/atty James B. Lebow;
AUSA Jenna Dabbs pres. Court reporter Karen Gorkaski
pres. Deft enters a plea of guilty to count
1 and 2 of information. No PSI ordered. Sentencing
control date set for 10/11/07 @ 9:30 a.m. Bail
set at 10,000 FRB, unsecured, w/travel restricted to
E.D.N.Y and S.D.N.Y and travel docs to be rendered.
Hellerstein, J.